

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,501	(01/08/2001	Ole Markmann	D078 1100	5324
7	590	06/16/2005	,	EXAM	INER
James F Vaug	ghan			AHMED,	SHEEBA
Womble Carly		idge & Rice			
PO Box 725388				ART UNIT	PAPER NUMBER
Atlanta GA 31139-9388			1773		

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application	ı No.	Applicant(s)			
	09/701,501		MARKMANN ET AL.			
Office Action Summary	Examiner		Art Unit			
	Sheeba Ah	med	1773			
The MAILING DATE of this communication	on appears on the	cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR F THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If the period for reply specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. CFR 1.136(a). In no even ion. is, a reply within the statut period will apply and will statute.	t, however, may a reply be time ory minimum of thirty (30) days expire SIX (6) MONTHS from ation to become ABANDONEI	nety filed s will be considered timety. the mailing date of this communication. O (35 U.S.C. § 133).			
Status						
1) Responsive to communication(s) filed on	12 April 2005.					
2a) ☐ This action is FINAL. 2b) ☑ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
closed in accordance with the practice ur	nder <i>Ex parte Qua</i>	yle, 1935 C.D. 11, 45	3 O.G. 213.			
Disposition of Claims						
4)⊠ Claim(s) <u>1,3-5,7 and 17</u> is/are pending in	the application.					
4a) Of the above claim(s) is/are with		sideration.				
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1,3-5,7 and 17</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction	and/or election red	quirement.	•			
Application Papers						
9) The specification is objected to by the Exa	aminer.					
10) The drawing(s) filed on is/are: a)	accepted or b)	objected to by the E	Examiner.			
Applicant may not request that any objection to	to the drawing(s) be	held in abeyance. See	37 CFR 1.85(a).			
Replacement drawing sheet(s) including the c	•					
11)☐ The oath or declaration is objected to by t	he Examiner. Not	e the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for fo a)⊠ All b)☐ Some * c)☐ None of:	reign priority und	er 35 U.S.C. § 119(a)	-(d) or (f).			
1.⊠ Certified copies of the priority docu	ments have been	received.				
2. Certified copies of the priority docu			on No			
3. Copies of the certified copies of the	e priority documer	ts have been receive	d in this National Stage			
application from the International B	lureau (PCT Rule	17.2(a)).				
* See the attached detailed Office action for	a list of the certific	ed copies not receive	d.			
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-94) 	18)	1) Interview Summary Paper No(s)/Mail Da				
Notice of Draitsperson's Faterit Drawing Review (F10-3-3) Information Disclosure Statement(s) (PTO-1449 or PTO/5 Paper No(s)/Mail Date	SB/08)	5) Notice of Informal Page 15) Other:	atent Application (PTO-152)			
S. Patent and Trademark Office TOL-326 (Rev. 1-04) Of	fice Action Summary	Pai	rt of Paper No./Mail Date 06132005			

Art Unit: 1773

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on March 21, 2005 and April 12, 2005 have been entered.

Response to Amendment

2. Amendments to claim 1 have been entered in the above-identified application. Claims 2, 6, 8-10, 12, 14, 16, and 18 have been cancelled. Claims 1, 3, 4, 5, 7, and 17 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 3, 4, 5, 7, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobry et al. (US 2,962,081) in view of Applicants own admission.

Art Unit: 1773

Dobry et al. disclose plastic composition sheets that are adapted for use as floor coverings wherein the process of making such a plastic composition sheet entails depositing uniformly on a backing material a smooth layer of a mixture of fine particles and flat plastic chips (Column 1, lines 49-65). The plastic chips are about 0.18 to 1.0 inches in diameter (equivalent to 4.57 to 25.40 mm) and have a thickness of 0.01 to 0.025 inches (equivalent to 254-635 microns) (Column 2, lines 37-45). The process of the disclosed invention is applicable to various types of plastic compositions used in surface coverings including linoleum (Column 2, lines 71-72). If the plastic composition is linoleum then the linoleum is composed of drying oils, resin, fillers and pigments. The oil can be linseed oil. The resin can be rosin or ester gum. The thickness of the plastic layer can be varied and is typically 0.02 to 0.06 inches in thickness (Column 6, lines 11-31, 70-75). Typical of other suitable resins are polymethyl methacrylates (Column 5, lines 27-30). Figure 2 is a cross-sectional view of the surface covering and specifically shows that the plastic chips (10) are imbedded in the matrix of fine granules (11) and wherein a backing material (20) is also present.

Dobry et al. do not state that the rolled linoleum sheet is cut, rotated, and stacked.

However, the last paragraph of Page 2 of the instant application states that in a typical process of making a linoleum sheet mixed masses produced from the standard linoleum raw materials, e.g. linoleum cement, wood flour, powdered cork, chalk, white pigment and colored pigments, are mixed in defined proportions as a function of the desired pattern and are fed into a roll mill in the form of a carded mixed mass. The

Art Unit: 1773

7 de Orine. 1770

multicolored speckled linoleum sheet thus obtained (about 1.6 m wide) is divided into

pieces about 2 m long and arranged scale-like in the form of a multilayer sheet stack.

The oriented speckling of the individual sheets extends perpendicularly to the

calendering process direction in the further manufacturing process. The sheet stack is

now fed into the nip of a calender and rolled with friction into the desired thickness of

the top layer.

Hence, it would have been obvious to one having ordinary skill in the art to cut,

rotate, and stack the rolled linoleum sheet taught by Dobry et al. given that the

Specification of the instant application states that these are typical steps employed in

the manufacture of linoleum sheets.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 4, 5, 7, and 17 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-

1504. The examiner can normally be reached on Mondays and Thursdays from 9:30am

to 6:00pm.

Art Unit: 1773

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheeba Ahmed Art unit 1773

June 13, 2005